

RULE 43. CHILD IN NEED OF PROTECTION OR SERVICES PROCEEDINGS TIMELINE

Subd. 1. Admit/Deny Hearing. When a child is removed from home by court order, an admit/deny hearing shall be held within 10 days of the emergency protective care hearing. When a child is not placed outside the child's home by court order, an admit/deny hearing shall be held no sooner than three days and no later than 20 days after the filing of the petition. In matters governed by the Indian Child Welfare Act, an admit/deny hearing shall not be held until the provisions of Rule 30.01, subd. 3, are met.

Subd. 2. Scheduling Order. The court shall issue a scheduling order at the admit/deny hearing, or within 15 days of the admit/deny hearing. The scheduling order shall comply with the requirements of Rule 6.

Subd. 3. Pretrial Hearing. The court shall convene a pretrial hearing at least 10 days prior to trial.

Subd. 4. Trial. If the statutory grounds set forth in the petition are denied, a trial regarding a child in need of protection or services matter shall commence within 60 days from the date of the emergency protective care hearing or the admit/deny hearing, whichever is earlier. Testimony shall be concluded within 30 days from the commencement of the trial, and whenever possible should be over consecutive days. Continuances and adjournments shall comply with Rule 5.01, subd. 2.

Subd. 5. Findings/Adjudication. Within 15 days of the conclusion of the testimony, during which time the court may require simultaneous written arguments to be filed and served, the court shall issue its findings and order regarding whether one or more statutory grounds set forth in the petition have been proved. The court may extend the period for issuing an order for an additional 15 days if it finds that an extension is required in the interests of justice and in the best interests of the child.

Subd. 6. Disposition. To the extent practicable, the court shall conduct a disposition hearing and enter a disposition order the same day it makes a finding that one or more statutory grounds set forth in the petition have been proved. In the event disposition is not ordered at the same time as adjudication, the disposition order shall be issued within 10 days of the date the court finds one or more statutory grounds set forth in the petition have been proved.

Subd. 7. Review of Legal Custody. When the disposition is transfer of legal custody, including trial home visits, to the responsible social services agency, the court shall conduct a review hearing at least every 90 days to review whether foster care is necessary and continues to be appropriate or whether the child should be returned to the home of the parent or legal custodian from whom the child was removed. Any party or the county attorney may request a review hearing before 90 days.

Subd. 8. Review of Protective Supervision. When the disposition is protective supervision, the court shall review the disposition in court at least every six months from the date of the disposition.

Subd. 9. Timing of Required Permanency Proceedings for Child in Need of Protection or Services Matters.

(a) **Reasonable Efforts for Reunification Required.** When a child has been alleged or found to be in need of protection or services and has been ordered into foster care or the home of a noncustodial or nonresident parent, and reasonable efforts for reunification are required, the first order placing the child in foster care or the home of a noncustodial or nonresident parent shall set the deadlines for:

(i) the six-month permanency progress review hearing required by Minnesota Statutes, section 260C.204, paragraph (a); and

(ii) the twelve-month hearing to commence permanency proceedings required by Minnesota Statutes, section 260C.503, subdivision 1.

The deadline for the twelve-month hearing shall be calculated pursuant to Minnesota Statutes, section 260C.503, subdivision 3. The court shall notify all parties and participants of these requirements.

(b) Reasonable Efforts for Reunification Not Required. When the court finds that the petition states a prima facie case that at least one of the circumstances under Minnesota Statutes, sections 260.012, paragraph (a), 260C.178, paragraph (g), and 260C.503, subdivision 2, paragraph (a) exists and reasonable efforts for reunification are not required, and the county attorney has elected to file a petition under Minnesota Statutes, section 260C.503, subdivision 2, paragraph (d), instead of a petition for termination of parental rights, the court shall order an admit/deny hearing under Rule 55 to be held within 30 days of the prima facie finding, and a trial under Rule 58 to be held within 90 days of the prima facie finding.

2019 Advisory Committee Comment

Rule 43 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule was formerly codified as Rule 4.03, subds. 1(b)-(i) and 2. The amendment is intended to make it easier for judges, attorneys, and other individuals involved with a child in need of protection or services matter to identify the applicable timelines. Timing provisions that apply to juvenile protection matters in general are located in Rules 4 and 5.